



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
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SAN DIEGO, CA 92147

5720
Ser BPMOW.els/165
May 28, 2019

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
962 Wayne Avenue, Suite 610
Silver Spring, MD 20910

Dear Mr. Ruch:

This responds to your Freedom of Information Act request of October 30, 2018 in which you requested:

- Any Navy Finding of Suitability for Transfer (FOST) produced for either Marine Corps Air Station (MCAS) El Toro and / or MCAS Tustin

Your request was received by this office on April 3, 2019 and assigned Case File Number DON-NAVY-2019-000875. We responded via letter dated April 11, 2019 and posted to FOIAOnline on April 23, 2019. At that time, we indicated that we had made our final determination regarding responsive records and had identified 18 Final FOSTs and 2 Draft FOSTs that are responsive. On April 29, 2010, we provided a partial release of 16 records to you via FOIA Online.

This letter provides the final release of records for FOIA Request DON-NAVY-2019-000875. We have made 6 records (4 FOSTs and 2 transmittal letters) available to you via FOIAOnline. Please see Enclosure (1) for a list of these records.

Certain documents in this release are partially withheld under FOIA Exemption 6 (5 U.S.C. § 552(b)(6)) because, upon review of these documents, it was determined that they contain personally-identifiable information (PII), such as personal email addresses and personal telephone numbers. These instances of PII are exempt from disclosure under FOIA Exemption 6, since release of this information would result in a clearly unwarranted invasion of personal privacy. Instances of PII have been redacted and the remainder of the document is released to you.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA ONLINE, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

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The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Erica Spinelli who may be contacted at erica.spinelli@navy.mil or at 619-524-5926.

Sincerely,



KIMBERLY A. OSTROWSKI
Director

Enclosure: 1. Table of 6 Records Released Via FOIA Online in Final Release Dated May 14, 2019

FOIA REQUEST # 2019-000875

ITEM NO.	INSTALLATION	RECORD NO.	DOCUMENT DESCRIPTION
1	EL TORO	000000	DRAFT FINDING OF SUITABILITY TO TRANSFER (FOST) # 10 FOR CARVEOUTS II-D-2, II-F-2, II-V-2 AND III-B-3
2	EL TORO	5745	TRANSMITTAL OF DRAFT FINDING OF SUITABILITY TO TRANSFER (FOST) # 10 FOR CARVE-OUTS II-D-2, II-F-2, II-V-2, AND III-B-3, DATED 1 JANUARY 2019 (PUBLIC DOCUMENT)
3	TUSTIN	000000	DRAFT FINDING OF SUITABILITY TO TRANSFER (FOST) # 10 FOR CARVE-OUTS 5 AND 6
4	TUSTIN	3429	TRANSMITTAL OF DRAFT FINDING OF SUITABILITY TO TRANSFER (FOST) # 10 FOR CARVE-OUTS 5 AND 6, DATED 30 MARCH 2018 (PUBLIC DOCUMENT)
5	EL TORO	3160	FINAL FINDING OF SUITABILITY TO TRANSFER (FOST), PARCEL IV AND PORTIONS OF PARCELS I, II, AND III (PUBLIC DOCUMENT)
6	TUSTIN	1900	FINAL FINDING OF SUITABILITY (FOST) TO TRANSFER # 2 FOR SOUTHERN PARCELS 4-8, 10-12, 14, AND 42 AND PARCELS 25, 26, 30-33, 37, AND PORTIONS OF 40 AND 41 (PUBLIC DOCUMENT)